

1 The Westfield-Washington Advisory Plan Commission held a meeting on  
2 Tuesday, January 19, 2009 scheduled for 7:00 PM at the Westfield City  
3 Hall.

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5 **Opening of Meeting: 7:00 PM**

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7 **Roll Call:** Note Presence of a Quorum

8  
9 **Commission Members Present:** Robert Smith, President; Cindy Spoljaric, Vice-  
10 President; Pete Emigh, Robert Spraetz, Dan Degnan, Robert Horkay, William Sanders,  
11 Tolan, and Steve Hoover.

12  
13 **City Staff Present:** Jennifer Miller, Senior Planner; and Brian Zaiger, City Attorney

14  
15 **Approval of the Minutes:**

16  
17 Motion: To approve the November 16, 2009 Public Hearing Meeting Minutes as  
18 presented.

19  
20 Motion by: Spoljaric; Second by Horkay; Vote: Passed by voice vote

21  
22 Miller reviewed the Public Hearing Rules and Procedures.

23  
24 **NEW BUSINESS**

25  
26 Case No. 1001-PUD-02  
27 Petitioner Ramsey Development Corporation  
28 Description 14751 Carey Road; Petitioner requests amendments to the development  
29 standards for an area of Parcel M4 of the Bridgewater PUD.  
30

31 Miller introduced the petition and stated the proposed square footage is for 65,000 square  
32 feet. She further stated this petition was introduced at the January 4 Workshop meeting  
33 and at that time the petitioner was seeking two amendments to the Bridgewater PUD in  
34 order to move forward with the development plans. She presented staff's proposed  
35 changes to the PUD language. She further stated staff is recommending sending this  
36 petition to the City Council with a positive recommendation. Miller further stated there  
37 were two letters submitted regarding this petition, which were given to President Smith.  
38 She commented that one of the letters suggests a condition that the additional square  
39 footage be conditioned to a healthcare nursing home facility; staff would support such a  
40 condition.

41  
42 A Public Hearing opened at 7:10 p.m.

43  
44 Smith read the two letters received from the public regarding 1001-PUD-02; one letter in  
45 support and one letter against.

1  
2 Mr. Dick Cane expressed concern about any use that seems too broad. He also asked  
3 about provisions made for traffic patterns.  
4

5 The Public Hearing closed at 7:16 p.m.  
6

7 Mr. Steve Henke, Throgmartin-Henke Development responded to public comment stating  
8 petitioner has no problem specifying and limiting the use of the 65,000 square foot user  
9 to assisted living for healthcare that is the intent and purpose. He further stated that  
10 traffic studies were completed and traffic patterns were reviewed; curb cuts have also  
11 been limited along Carey Road.  
12

13 Spoljaric suggested the following verbiage, in number two, rather than, "...with any use  
14 permitted area wide...", replace with, "a healthcare related use may be permitted."  
15

16 Smith asked should the term used be "healthcare related" or "assisted living."  
17

18 Henke stated that "assisted living" was approved in the PUD; however, a text amendment  
19 was added to the assisted living to make it 24-hours so it refers to assisted living  
20 specifically in the PUD.  
21

22 Motion: To approve amended language to 1001-PUD-02.  
23

24 Motion by: Emigh; Second by: Hoover; Vote: 9-0  
25

26 Motion: To approve 1001-PUD-02 as amended.  
27

28 Motion by: Emigh; Second by: Horkay; Vote: 9-0  
29

30 Motion: To send 1001-PUD-02 to the City Council with a positive recommendation.  
31

32 Motion by: Emigh; Second by: Horkay; Vote: 9-0  
33

34 Case No. 1001-DP-01& 1001-SIT-01  
35 Petitioner Hamilton County Parks & Recreation  
36 Description 4528 State Road 38; Petitioner requests Development Plan and Site Plan  
37 Review for a proposed parking lot in Bray Park.  
38

39 Miller introduced the development plan stating this petition was before TAC in  
40 December and presented at the January Workshop meeting as well.  
41

42 A Public Hearing opened at 7:26 p.m.  
43

44 Smith read a letter from the residents of Hinkle Creek Estates stating their concerns  
45 regarding the construction of the proposed parking lot.

1  
2 Mr. Sal Canatella asked several questions including what is the timeline for the project,  
3 what factors drove this location site, what is the process after this point, and what  
4 opportunities will there be for us to intercede and voice our objections.

5  
6 The Public Hearing closed at 7:29 p.m.

7  
8 Miller responded to public hearing comments regarding the timeline and the process.

9  
10 Mr. Jeff Mader, Mader Design, representing Hamilton County Parks, discussed the  
11 location, traffic, obstruction of view, landscaping, and additional trails. He stated the  
12 intention is to reforest and add prairie throughout the entire park with additional trails.  
13 He further stated the intent of the park is a passive park with the intention of people using  
14 it for passive recreation purposes, including walking and running trails, wildlife visitation  
15 and viewing. Therefore, the intention is to keep it as quiet and passive and improve on  
16 the aesthetics rather than an active park.

17  
18 Sanders noted that the entrance to the new parking lot is actually configured differently  
19 than the entrance to the subdivision across the street.

20  
21 Mader responded that is correct; it aligns with the southern most entrance drive into the  
22 subdivision.

23  
24 Discussion followed regarding the alignment of the drive.

25  
26 Hoover asked if there are any existing trails on the property.

27  
28 Mader responded no; as the budget allows, the plan is to add as many trails as possible.

29  
30 Motion: To approve 1001-DP-01 and 1001-SIT-01 as presented.

31  
32 Motion by: Horkay Second by: Tolan; Vote: 9-0

33  
34 Case No. 0912-ZOA-03  
35 Petitioner City of Westfield  
36 Description The City requests amendments to the Westfield-Washington Zoning  
37 Ordinance to include standards for Temporary Uses and Events (WC  
38 16.04.095) and new Definitions (WC 16.04.210).

39  
40 Miller reviewed the petition history and stated staff recommends this petition be sent to  
41 the City Council with a positive recommendation.

42  
43 Hoover stated in summary the reason this Ordinance was reviewed is because tent sales  
44 were not addressed in previous ordinances, which meant they could not exist. He further  
45 explained the City has businesses which have done tent sales in the past and would like to

1 continue to do so; therefore, the Council Subcommittee reviewed the ordinance and made  
2 recommendations accordingly.

3  
4 Spoljaric thought the time limit had been changed from fourteen days to sixteen days.

5  
6 Miller stated the change was not made but can be a condition of the vote this evening.

7  
8 A Public Hearing opened at 7:50 p.m.

9  
10 Mr. Jim Godby, Godby Home Furnishings, expressed concern about the length of time  
11 for the tent sales stating fourteen days is not long enough and that it takes that amount of  
12 time just to prepare for a tent sale.

13  
14 The Public Hearing closed at 7:54 p.m.

15  
16 Smith asked if this item could be tabled.

17  
18 Hoover stated the City needs to be sure it is not treating outsiders better than local  
19 businesses. He further stated his belief that tent sales have value and that the City should  
20 allow for that and extend the period for tent sales to 30 days up to two times in a year  
21 period. He further stated the current tent sales for plants, etc., which are allowed 90 days,  
22 should be limited to 60 days.

23  
24 Smith called for a motion to table this item for 30 days and requested staff amend this  
25 proposal to have provision for all retailers to include two 30-day segments which could  
26 be consecutive.

27  
28 Hoover suggested making the amendments part of the motion.

29  
30 Hoover asked Miller if set up is addressed in the permitted time.

31  
32 Miller responded that set up is included in the permitting time, but there are two  
33 additional days at the conclusion of the event for removal from the premises.

34  
35 Sanders asked about outdoor café or eating areas stating they are not defined in the  
36 definition, and whether the ordinance would cover for example, fish fries in the churches  
37 or Girl Scout Cookie sales.

38  
39 Miller responded this would have to be brought back to the subcommittee to address how  
40 the ordinance is crafted.

41  
42 Sanders also asked, under Holiday Tree Sales, 4V, “Bag bulk items must be stored within  
43 an adjacent permanent or temporary structure;” if this is for security reasons or fire  
44 reasons.

45

1 Miller responded it is a combination of items such as the tent being fire-rated and also  
2 prevents inventory being stacked in the parking lot.

3  
4 Sanders asked if security needs to be addressed from a fire aspect or a protection aspect.

5  
6 Miller stated the subcommittee discussed this issue and concluded it was the  
7 responsibility of the property owner/tent owner and whatever was negotiated in the lease  
8 agreement.

9  
10 Motion: To send 0912-ZOA-03 to the City Council with a positive recommendation  
11 amended as follows: on Section 2, XI, paragraph two, reads: "Tent events are permitted  
12 per parcel for up to 30 days per permit with a 60-day total per calendar year maximum.  
13 On paragraph four, VIII, paragraph two, amend to read permit for these sales shall be  
14 valid for a maximum of 60 consecutive calendar days.

15  
16 Motion by: Hoover; Second by: Emigh; Vote: 8-1 (Spoljaric)

17  
18 **STAFF COMMENTS**

19  
20 Miller announced the Purdue Land Use Team video seminar and strongly encouraged  
21 new Commissioners attend.

22  
23 **APC MEMBER COMMENTS**

24  
25 Spoljaric commented on the 0912-ZOA-03 vote.

26  
27 **ADJOURNMENT** (8:31)

28  
29  
30 Approved (date)

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33 \_\_\_\_\_  
34 President, Robert Smith, Esq.

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37 \_\_\_\_\_  
38 Vice President, Cindy Spoljaric

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41 \_\_\_\_\_  
42 Secretary, Matthew S. Skelton, Esq., AICP

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